

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#9 Response
M. Brunson
2/14/02

In the application of)

Yuriy Reznikov, John West,)
Oleg Yaroshchuk)

Serial No.: 09/656,742)

Filed: September 7, 2000)

For: METHOD FOR ALIGNMENT)
OF LIQUID CRYSTALS USING)
IRRADIATED LIQUID)
CRYSTAL FILMS)

Group Art Unit 2871 TC 1

T. Ton, Examiner

Certificate of Mailing

I hereby certify that this correspondence was deposited
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Commissioner for Patents, Washington, D.C. 20231 on this
day of January, 2002

Cynthia M. Wilson, Sec'y to John J. Cunniff

RESPONSE

Box Non-Fee Amendment
Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Official Action of December 4, 2001, the Applicants, through their attorney, reply as follows. The Examiner had previously issued a restriction requirement on August 15, 2001, to which the Applicants timely responded on September 14, 2001. Although not explicitly stated by the Examiner, because of the issuance of a new restriction requirement in the Office Action of December 4, 2001, the Applicants presume that the previous restriction requirement of August 15, 2001 has been reconsidered.

In the outstanding Office Action, the Examiner requires the election of the claims of either Group I or Group II for examination. The Examiner states that claims 19 and 27 are drawn to a liquid crystal device comprising an alignment layer of liquid crystal film and form Group I. The Examiner also states that claims 1-18 and 20-26 are drawn to a method of making a liquid crystal device and an alignment layer and form Group II.

KSU188

The Applicants hereby elect the claims of Group II with traverse. The Applicants assert that restriction is improper in the present case for the following reasons.

The Examiner states that claims 19 and 27 are drawn to a liquid crystal device comprising an alignment layer of liquid crystal film. However, claim 19, which is dependent on claim 11, is drawn to a method of forming a liquid crystal cell, not to a liquid crystal device as the Examiner maintains. Therefore, claim 19 would properly be classified in the same class and subclass as the remaining method claims. Additionally, claim 19 claims a method of forming a liquid crystal cell according to claim 11 which utilizes specific liquid crystal materials. Such a claim cannot be properly considered independent and distinct from other claims directed toward a method of forming a liquid crystal cell. Reconsideration of the restriction requirement is respectfully requested.

Additionally, claim 27 was added to the present application in the previous response filed on September 14, 2001. At that time, the Applicants pointed out that claim 27, which claims a liquid crystal cell made according to the method of claim 11, is properly considered a linking claim which links the process of claim 11 to the product made of claim 24. Finally, the Examiner states that the product claimed can be made by another and materially different process other than the claimed process, but provides no example of such a process.

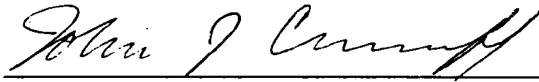
Therefore, the Applicants maintain that restriction is improper in the present case and respectfully request reconsideration of this requirement.

In light of the foregoing amendments and arguments presented herein, Applicants respectfully request reconsideration of the present application and withdrawal of the restriction requirement under 35 U.S.C. § 121. Should the Examiner care to discuss any of the foregoing in greater detail, the undersigned attorney would welcome a telephone call.

No fees are believed to be due at this time. Nonetheless, in the event that a fee required for the filing of this document is insufficient, the undersigned attorney hereby authorizes the Commissioner to charge payment of any fees

associated with this communication, or to credit any overpayment to deposit account number 18-0987.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John J. Cunniff", is written over a horizontal line.

Ray L. Weber. Reg. No. 26,519

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Attorney Docket No: KSU-188



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CERTIFICATE OF MAILING

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RESPONSE - NO FEE, Assistant Commissioner
of Patents, Washington, D.C. 20231, on this
3rd day of January, 2002


Cynthia M. Wilson Sec'y to John J. Cunniff

TRANSMITTAL SHEET

Enclosed are the following documents:

Response
Return Receipt Post Card

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge payment of any fees
associated with this communication or credit any overpayment to Deposit Account
No. 18-0987.

Respectfully submitted,



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Attorney for Applicants

January 3, 2002